

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TERESA BOGGS, et al.,	:	
	:	
Plaintiffs,	:	Case No. 2:90cv840
	:	
vs.	:	JUDGE WALTER HERBERT RICE
	:	
DIVESTED ATOMIC	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	

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DECISION AND ENTRY OVERRULING, WITHOUT PREJUDICE TO  
RENEWAL, PLAINTIFFS' RENEWED MOTION FOR CLASS  
CERTIFICATION (DOC. #279)

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This litigation is before the Court on the Plaintiffs' Renewed Motion for Class Certification (Doc. #279). The Court overrules that motion, without prejudice to renewal, after the deadline for the filing of motions for summary judgment has passed without such a motion being filed by Defendants, or, if such a motion be filed, after same has been briefed and ruled upon and, then, only if Plaintiffs' claims, on which class certification is sought, survive. This Court deems it to be an exorbitant expenditure of scarce judicial resources to rule on a motion for certification and, then, to oversee a class action, if that motion were to be granted, only to see Plaintiffs' remaining claims, those arising out of the release of non-radioactive, hazardous substances, be dismissed on summary judgment, as have

their claims pertaining to the release of radioactive, hazardous substances. Moreover, if this Court were to certify this litigation and then grant summary judgment to Defendants on Plaintiffs' remaining claims, they would needlessly expend resources on matters such as notice.

Accordingly, the Court overrules, without prejudice to renewal, Plaintiffs' Renewed Motion for Class Certification (Doc. #279).

September 30, 2008

/s/ Walter Herbert Rice

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WALTER HERBERT RICE, JUDGE  
UNITED STATES DISTRICT COURT

Copies to:

All counsel of record.

Counsel of record in Adkins v. Divested Atomic Corp., Case No. 2:98cv595.